

Remarks

Claims 18-33 are pending. Claims 9-17 have been withdrawn from consideration. By this Amendment, claims 18, 20, 24, 31, 32 and 33 are amended.

Applicant appreciates the courtesies extended to Applicant's representative by Examiner Befumo during the telephone conference conducted on January 10, 2005.

Reconsideration based on the following remarks is respectfully requested.

The Office Action rejects claims 18-34 under 35 U.S.C. § 112, second paragraph as being indefinite. In particular, the Office Action asserts that it is unclear whether the claims positively recite the "air circulating means" or if the claimed fabric needs to be able to operate with an "air circulating means". Independent claims 18, 24, 31, 32 and 33 are amended to now positively recite an "air circulating means". In addition, the recitation of "formed as an garment" is deleted from claims 18 and 24 to obviate the rejection of claims 19 and 26. Withdrawal of the rejections under 35 U.S.C. § 112, second paragraph is respectfully requested.

During the telephone conference, Examiner Befumo confirmed that claims 18-33 would be placed in condition for allowance if amended to overcome the rejections under 35 U.S.C. § 112, second paragraph, and in particular if amended to positively recite the "air circulating means".

In view of the above amendments and remarks, reconsideration of the rejections and allowance of all pending claims is respectfully requested.

Application No. 09/367,019
Amendment dated January 21, 2005
Filed in Response to Office Action dated October 20, 2004

No fee is believed due, since this response is being filed within three months of October 10, 2004. However, if any fee associated with the present response is due, the Office is authorized to charge same to our Deposit Account No. 01-1785.

Respectfully submitted,

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